

REMARKS

In an Office Action dated 13 July 2005, the Examiner rejects claims 1-10 (all pending claims). In response to the Office Action, Applicants amend claims 1 and 9. Applicants also respectfully traverse the Examiner's rejection. Claims 1-10 remain in the application. In light of the following argument, Applicants respectfully request that claims 1-10 (all pending claims) and this application be allowed.

The Examiner rejects claims 1, 2 and 5-10 under 35 USC §102 (b) as being unpatentable over U.S. Patent Number 5,950,190 issued to Yeager et al. (Yeager). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983).

Claim 1 recites “a data importer receiving an input including data to be imported into said database, an indication of one of said related groups that is associated with said data, and indications of parameters associated with said data, wherein said data importer determines whether data is associated with an existing parameter, appends one or more portions of said data associated with existing parameters to corresponding one or more existing tables associated with said existing parameters and having tables of said one of

said related groups as references responsive to a determination that said data is associated with an existing parameter, appends data associated with new parameters to a new table created for said new parameters, and updates said data dictionary to include said identifications and information of said new table and new parameters responsive to a determination that said data is not associated with an existing parameter.” Yeager does not teach a data importer that appends data associated with new parameters to a table created for the new parameters responsive to a determination that said data is associated with a new parameter. Instead, Yeager teaches that when a column identifier is detected that is not in the table, **a user is asked to decide whether to create a new column in the existing table or ignore the data.** See Col. 27, line 14-27. There is no teaching of creating a new table with the new parameter in response to a determination made by the importer as recited in the claim. Instead, Yeager gives a user a choice of generating a new table with the new column or ignoring the data. The advantage of the claimed invention being that the new table with the new parameter may store the data in a related table without disturbing current relationships of the existing tables. Thus, Yeager does not teach each and every limitation of claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be removed and claim 1 be allowed.

Claims 2-8 are dependent upon claim 1. Thus, claims 2-8 are allowable for at least the same reasons as claim 1. All other rejections to the claims are moot. Thus, Applicants respectfully request that claims 2-8 be allowed.


Claim 9 recites the method for adding the imported data performed by the data importer. Thus, claim 9 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that claim 9 be allowed.

Claim 10 is dependent upon claim 9. Therefore claim 10 is allowable for at least the same reasons as claim 9 and Applicants respectfully request that claim 10 be allowed.

If the Examiner has any questions regarding this amendment or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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